



COLANTONI
COLLINS
MARREN
PHILLIPS
& TULK, LLP

201 Spear Street, Suite 1100
San Francisco, CA 94105
PHONE: 855-396-1220
FAX: 415-278-9744

AUG 16 2019

jgoines@ccmpt.com

WWW.CCMPT.COM

ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

August 8, 2019

Farber & Co.
333 Hegenberger Road, Suite 504
Oakland, CA 94621

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC

WCAB No: ADJ12031731

Claim No: 040519008736

Case Status: Off Calendar

Dear Counsel:

As you know you proceeded to obtain a replacement PQME list because Dr. Kim was not setting exams within 90 days.

I received Replacement PQME List #2442507 dated August 5, 2019. On August 8, 2019, I emailed Zachary Kwellar of your office indicating our strike of Dr. Emad. As such, please allow this letter to confirm defendants' strike of Dr. Emad. Zach followed with a strike of Dr. Conrad Ng.

That leaves the parties with Timothy S. Lo. Please make your strike within the statutory timeline otherwise I will select from the remaining doctor and then set the exam. Lastly please note that Defendants proactively waive the 90-day requirement thus even if Dr. Lo does not have exams within 90 days please proceed to set the next earliest examination.

Thank you for your attention to this matter.

Kindest Regards,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:

JAMES J. GOINES

JJG/tg

Iana Zadneprovskaja

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC

August 8 2019

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cc: Mr. Mario Castro

Chubb Group of Insurance Companies

Western Claim Service Center, PO Box 42065

Phoenix, AZ 85080-2065

wcclaimsw2@chubb.com



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MARREN
PHILLIPS
& TULK, LLP

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San Francisco, CA 94105
PHONE: 855-396-1220
FAX: 415-278-9744

WRITER'S EMAIL:
jgoines@ccmpt.com

WWW.CCMPT.COM

ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

August 8, 2019

Dr. Timothy S. Lo, MD
2300 Sutter Street, Suite 304
San Francisco, California 94115

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC

WCAB No: ADJ12031731
Claim No: 040519008736
Case Status: Off Calendar

Dear Dr. Lo:

Please be advised that the parties obtained a replacement PQME list dated August 5, 2019 and both parties proceeded to strike from the same.

You are the remaining doctor. Applicant's attorney confirmed on August 7, 2019 that his office will contact your office to schedule an examination. Should you not have an examination within 90 days, please note that applicant's attorney already tentatively indicated an agreement to waive that 90-day requirement. Defendants are in agreement with waving that 90-day requirement. Thus, if you do not have exams within 90 days, I suspect the parties would have no problem agreeing to that 90-day waiver.

Thank you kindly for your attention to this matter Dr. Lo.

Kindest regards,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY: 
JAMES J. GOINES

JJG/tg

cc: Ms. Iana Zadneprovskaja
Farber & Co.
333 Hegenberger Road, Suite 504
Oakland, CA 94621

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC
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Chubb Group of Insurance Companies
Western Claim Service Center, PO Box 42065
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wcclaimsw2@chubb.com



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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

August 2, 2019

Ms. Iana Zadneprovskaja
Farber & Co.
333 Hegenberger Road, Suite 504
Oakland, CA 94621

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC
WCAB No: ADJ12031731
Claim No: 040519008736
Case Status: Off Calendar

Dear Ms. Zadneprovskaja:

Please recall that I had several email exchanges with Zachary of your office, most recently, of which was on August 2, 2019.

In short, defendants will send authorization to Dr. Jamasbi to provide future medical treatment per Dr. O'Lang's reporting. As indicated in my email to Zachary on August 2, 2019, this will not be a standard Primary Treating Physician Notice of Representation. That is because prior primary treating physician Dr. O'Lang noted that applicant does not need future medical treatment.

However, because PTP Dr. O'Lang does not address whether there is any permanent impairment, I agreed with Zachary that I cannot ethically file a Declaration of Readiness to Proceed to a Mandatory Settlement Conference to close discovery based on this reporting.

Yet please note that temporary total disability was cut off as of June 7, 2019 because of PTP Dr. O'Lang's reporting, and that was justified because applicant was released from care.

There is an overpayment of roughly \$911.00 for the period between May 30, 2019 and June 7, 2019 and if the parties are able to resolve in lieu of further litigation, I suspect I may be able to get the client to waive that.

Along those lines, please again allow defendants to reiterate our offer at \$10,000.00 via Compromise and Release.

Iana Zadneprovskaja

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC

August 2, 2019

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There are permanent work restrictions that the employer cannot accommodate, thus a resignation is required, however please note that applicant will not be able to return to work because the employer cannot accommodate the permanent restrictions. The permanent restrictions include no use of the computer, and therefore, because applicant has a computer-oriented job he will not be able to return to that employment.

He will be entitled to a \$6,000.00 return to work voucher based on the same.

If applicant proceeds to file for disability benefits with the Oakland EDD, please note that defendants would object to reimbursement to applicant for any payments because as noted he was released from care by PTP Dr. O'Lang on May 29, 2019.

As you also know, you requested the replacement PQME list because Dr. Kim does not have exams within 90 days and that list is currently pending. I kindly request that you forward the list to me as soon as it is received. I would prefer that you forward that new list via email because that would avoid any issues with proper service of process.

All told, please kindly respond to my settlement offer at \$10,000.00 via Compromise and Release for a buyout of all future litigation.

Thanks for your attention to this matter.

Kindest Regards,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:

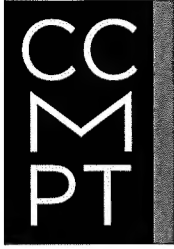


JAMES J. GOINES

JJG/tg

cc: Mr. Mario Castro
Chubb Group of Insurance Companies
Western Claim Service Center, PO Box 42065
Phoenix, AZ 85080-2065

wcclaimsw2@chubb.com



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PHILLIPS
& TULK, LLP

201 Spear Street, Suite 1100
San Francisco, CA 94105
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FAX: 415-278-9744

WRITER'S EMAIL:
jgoines@ccmpt.com

WWW.CCMPT.COM

ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

August 2, 2019

Dr. Patrick O'Lang
601 Van Ness Ave., Suite 2018
San Francisco, CA 94102

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC

WCAB No: ADJ12031731
Claim No: 040519008736
Case Status: Off Calendar

Dear Dr. O'Lang:

As you know, this office represents defendants in the above-referenced matter and you kindly issued a May 28, 2019 Permanent and Stationary report.

At this time, defendants kindly request that you comment on the level of permanent impairment.

It certainly appears that there is no impairment. However, your report did not specifically address the same and as such, applicant's attorney objected to your report and requested a transfer of care for applicant to Dr. Babak Jamasbi.

All told, Defendants kindly request that you provide your comment and opinion regarding whether there is any permanent impairment.

Thank you kindly for your anticipated prompt attention to this matter Dr. O'Lang.

Kindest regards,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:


JAMES J. GOINES

JJG/tg

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cc: Ms. Iana Zadneprovskaja
Farber & Co.
333 Hegenberger Road, Suite 504
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FAX: 415-278-9744

WRITER'S EMAIL:
jgoines@ccmpt.com

WWW.CCMPT.COM

ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

August 2, 2019

Dr. Babak Jamasbi
2000 Van Ness Ave., Suite 402
San Francisco, CA 94109

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731
Claim No: 040519008736
Case Status: Off Calendar

Dear Dr. Jamasbi:

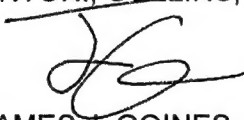
Please be advised that this office represents defendants in the above-referenced matter and applicant's attorney recently made a request to have applicant transferred to you for *future medical treatment*. Along those lines, enclosed herein, please find the Permanent and Stationary report from Dr. O'Lang dated May 28, 2019.

The insurance company will send written authorization under separate cover. However, please note that you will be authorized to provide future medical treatment per Dr. O'Lang's reporting. Please be sure to add our office to your address record and please recall that defendants will not respond to any referral to a medical facility in which you hold a financial interest pursuant to Labor Code Section 139.3.

Thank you for your attention to this matter.

Kindest regards,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:



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Enclosure(s): *Permanent and Stationary report from Dr. O'Lang dated May 28, 2019*

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC
August 2, 2019
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Farber & Co.
333 Hegenberger Road, Suite 504
Oakland, CA 94621

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Phoenix, AZ 85080-2065

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